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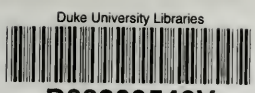

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MESSAGE OF THE PRESIDENT

VETOING THE

MEDICAL BILL.

To the House of Representatives

of the Confederate States of America:

I regret to find myself compelled to return without my signature an act, which originated in your body, entitled "An Act to re-organize and promote the efficiency of the Medical Department of the Provisional army." I entirely concur in the desire to accomplish the objects contemplated in the act, and have delayed its return in the hope that some additional legislation might obviate the difficulties that would embarrass the operation of the act in its present form.

The act seems to be based on the assumption that there exists a "medical department of the provisional army," and this fact is not only set forth in the title, but some of the provisions are so worded as to be inoperative, by reason of this assumption.

Thus, the first section provides, "that the rank, pay and allowances of a Brigadier General in the "provisional army of the Confederate States be, and the same are hereby conferred on the Surgeon General *of the same.*" There exists no such officer, as the Surgeon General of the provisional army. The plain intent, therefore, of Congress to confer the rank, of Brigadier General, in the provisional army on the Surgeon General of the permanent army would be defeated, unless the language of this section be changed.

According to the provisions of the law, as it now stands, there is a medical department organized for the permanent army, under the Act of the 26th of February, 1861, entitled, "An Act for the establishment and organization of a general staff for the army of the Confederate States of America," the chief of which is styled the Surgeon

General. The only legislation providing for medical officers, for provisional troops, is the 9th section of the Act of 6th March, 1861, which enacts that when volunteers or militia are called into the service of the Confederate States in such numbers that the "officers of the medical department which may be authorized by law for the regular service, are not sufficient for * * * * furnishing them with the requisite medical attendance, it shall be lawful for the President to appoint, with the advice and consent of the Congress, as many additional officers of the said department, as the service may require, not exceeding * * * * one Surgeon, and and one Assistant Surgeon, for each regiment; * * * to continue in service only so long as their services may be required, in connection with the militia or volunteers."

There is an act of 14th August, 1861, on the same subject, but it confines the appointments authorized by it to such surgeons and assistant surgeons as may be necessary for the various hospitals.

The third and fourth sections of the act now returned to you, permit and require the assignment of a number of surgeons and assistant surgeons to military departments, to divisions, to brigades and to infantry and cavalry regiments, largely in excess of the number allowed by the law just quoted, but no authority is given for the appointment of the increased number of medical officers, and it would be impracticable to execute the law, unless by adopting the inadmissible construction, that an authority to *assign* officers to duty implies an authority to *appoint* new officers. Such a construction would be the less justifiable in the present instance, because in the second section in which new officers are authorized, the language of the act directs *appointments* to be made, but in the third and fourth sections the language is changed, and *assignments* only are permitted.

There is another omission in the act which may give rise to pretensions, prejudicial to the service. In declaring the rank to which the several medical officers shall be entitled in the provisional army, including those of Brigadier-General, Colonels and Lieutenant-Colonels, no express exclusion is made of their right to command troops, as has wisely been done in the law which regulates their rank in the regular or permanent army. The officers of the medical corps have long evinced the desire to have some right of command of troops in certain contingencies, and this command ought either to be expressly forbidden, or the cases in which it may be exercised ought to be distinctly defined.

The chief objection to the bill, however, remains to be stated. The fifth section is designed to effect a most humane and desirable object, but its provisions are inadequate to the end proposed. The purpose of Congress is evidently to provide some additional means for the care of the sick and wounded of armies in the field. At present, after each battle, the wounded are necessarily left in such temporary quarters as can be procured in the vicinity, but on the movement of the army, most of the medical officers attached to it are compelled to follow, and the wounded are thus left with medical aid and attendance entirely insufficient for their relief.

The fifth section of the act, provides for an infirmary corps of fifty men for each brigade, officered with one 1st and one 2nd Lieutenant, two sergeants and two corporals, but no provision whatever, is made for any additional medical officers, nor does the act provide for any control by medical officers over these infirmary corps, nor assign to these corps any fixed duties. Unless some provision be made on these points, the present deficiency of surgical aid will continue to exist, and the infirmary corps will necessarily follow the army to which they are attached, when it moves after a battle, or if left behind will be subject to the orders only of their own officers, who are not medical men, or conflicts will arise between these officers and the medical officers.

Entertaining the conviction, therefore, that this act in its present form, while entailing heavy expense, will fail in the beneficial effects contemplated by Congress, I deem it my duty to return it, without my approval, but with the hope that some additional legislation may be devised to accomplish the purpose contemplated by its passage.

JEFFERSON DAVIS.

October 13, 1862.

AN ACT

To reorganize and promote the efficiency of the Medical Department of the Provisional Army.

SECTION 1. *The Congress of the Confederate States of America do enact*, That the rank, pay and allowances of a Brigadier General in the provisional army of the Confederate States, be, and the same are hereby conferred on the Surgeon General of the same.

SEC. 2 *Be it further enacted*, That there shall be appointed in the provisional army of the Confederate States, two Assistant Surgeons General, with the rank, pay and allowances of Colonels of Cavalry; one Medical Inspector General with the rank, pay and allowances of Colonel of Cavalry, and such number of Medical Inspectors not exceeding twelve, as the President shall deem expedient, with the rank, pay and allowances of Lieutenant Colonels of Cavalry.

SEC. 3 *Be it further enacted*, That there may be assigned to each army in the field, or military department, one surgeon as medical director, who, for the time so occupied, shall be entitled to the rank pay and allowances of a lieutenant colonel of cavalry; that there may be assigned to each division, one surgeon, as division surgeon, and to each brigade, one surgeon, as brigade surgeon, and two assistant surgeons for staff or other duty.

SEC. 4. *Be it further enacted*, That to each regiment of cavalry or infantry there shall be assigned one surgeon, with the rank of Major, and two assistant surgeons each, with the rank of captain.

SEC. 5. *Be it further enacted*, That there shall be enlisted and mustered into service, an infirmary corps of able bodied men, to be composed of fifty men to each brigade of an army in the field, and said infirmary corps shall be organized into companies of fifty, and officered with one first lieutenant and one second lieutenant, two sergeants and two corporals, and paid in like manner as commissioned officers, non-commissioned officers and soldiers of the Confederate service.

SEC. 6. The appointment of a medical officer of the regular army to any office created by this act shall not affect his rank in the regular army.

TH. S. BOCOCK,
Speaker of the House of Representatives.

R. M. T. HUNTER,
President pro tempore Senate.

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